IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 7TH FEBRUARY 2007 / 18TH MAGHA 1928

O.P.No.6143 of 1999(F)

PETITIONER:-

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1. M/S.SARK SPICE PRODUCTS (PVT.) LTD.,
   TAC INDUSTRIAL COMPLEX, EARA NORTH P.O.,
   NEELAMPEROOR PO, ALAPPUZHA,
   REP. BY ITS MANAGING DIRECTOR,
   T.A.KURUVILLA S/O.T.C.ABRAHAM, AGED 45 YEARS,
   RESIDING IN THURITHITHARA EARA, NEELAMPEROOR,
   EARA NORTH PO.

2. M/S.K.S.V.EXPORTERS PVT. LTD.,
   REP. BY ITS DIRECTOR, DO. DO.

BY ADV. SRI.K.S.HARIHARAPUTHRAN
SRI.P.J.JOSEPH
SMT.T.B.MINI

RESPONDENTS:-

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1. KERALA FINANCIAL CORPORATION,
   THIRUVANANTHAPURAM, REPRESENTED BY MANAGING DIRECTOR.

2. DISTRICT MANAGER,
   KERALA FINANCIAL CORPORATION, ALAPPUZHA.

BY STANDING COUNSEL SRI.V.B.UNNIRAJ.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 07/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

C.M.P.No.10435 of 1999 & 17803 OF 1999 IN O.P.No.6143 of 1999-F

CLOSED.

7/2/2007. Sd/- ANTONY DOMINIC, JUDGE.

APPENDIX

PETITIONERS' EXHIBITS:-

EXT.P1 - TRUE COPY OF NOTICE NO.ALPY/01002501/5080/99 DATED 1.3.1999 ISSUED BY 2ND RESPONDENT.

EXT.P2 - TRUE COPY OF MEMORANDUM OF UNDERSTANDING BETWEEN E.O.A.S.INTERNATIONAL, SRI LANKA.

EXT.P3 - TRUE COPY OF AGREEMENT BETWEEN THE PETITIONER AND FLEX FOOD LTD., UTHARPRADESH DATED 9.2.99.

EXT.P4 - LETTER ISSUED BY E.O.A.S.INTERNATIONAL, SRI LANKA TO THE 1ST RESPONDENT DATED 8.3.1999.

RESPONDENT'S EXHIBITS: NIL.

- TRUE COPY -

Antony Dominic,J.

O.P.No.6143 of 1999-F

Dated, this the 7th day of February, 2007

JUDGMENT

This writ petition was filed challenging Exhibit P1 communication issued by the Kerala Financial Corporation accepting the offer of the petitioner for remittance of Rs.25 lakhs and informing that the prayer for extension of time for One Time Settlement would be decided after the remittances as mentioned in Exhibit P1 are made. At the time of admission, it is seen that by order dated 22.3.1999 this Court had stayed the operation of Exhibit P1 on condition that the petitioners pays Rs.15 lakhs to the 2nd respondent on or before 30.4.1999. The learned Standing Counsel for the respondents submits that the condition imposed by this Court in the aforesaid order has not been complied with and that in view thereof, nothing survives in this writ petition.

In view of the fact that the interim order has not been complied with, in terms of the order itself the respondents were entitled to proceed with Exhibit P1. Therefore, as at present, nothing survives in this writ petition and the same is dismissed as infructuous.

Antony Dominic
Judge

vku/-